

6.3.10 STEP 10: AMENDMENTS AND CHANGES NOT REQUIRING AMENDMENT

- (A) **Applicability.** This Section applies to proposed amendments and changes not requiring an amendment to (1) approved development plan or site specific development plans, whether approved under this Code or prior law; and (2) any developed lot with a legally established use that is currently allowed in the respective zone district where it is located and for which an approved plan does not exist. This Section does not apply to (1) nonconforming uses addressed in Division 6.16 or existing limited permitted uses addressed in Division 6.17 except for a change of use to an allowed use, or (2) lots without a legally established use. In instances where no approved plan exists but an amendment is required, the City may require submittal of a site plan or other documentation sufficient to memorialize existing and proposed development.

Subsequent to the approval of a development plan or site specific development plan approved under this Code or a prior plan, or in instances where no approved plan exists but a legally established use that continues to be allowed, amendments or changes to such plans may be made per the requirements of this Section. Outlined below are levels of change that are characterized by different review procedures, degree of change, and required site improvements to bring the site into further or total compliance with current standards. Percentages listed in below Subsection (D) through (G) are maximum percentages in the aggregate. These levels include:

- (1) **No Amendment.** If no amendment is required as described in below Subsection (D), changes are reviewed through an applicable building permit, and if no building permit is required, changes compliant with this Code may proceed without further review.
- (2) **Micro Amendment and Parkway Landscape Amendment.** If a micro amendment or parkway landscape amendment is required per below Subsection (E), changes are reviewed through an amendment application prior to applicable permits and additional site improvements to enhance multi-modal transportation as identified in below Subsection (H). The decision maker is the Director.
- (3) **Minor Amendment.** If a minor amendment is required per below Subsection (F), changes are reviewed through a minor amendment application prior to other applicable permits and require site improvements limited to those as identified in below Subsection (H). The decision maker is the Director unless referred to the Planning and Zoning Commission or the City Council pursuant to below Subsection (I).

The Director may decide minor amendments to an approved PUD Comprehensive Plan as long as the PUD Comprehensive Plan as amended continues to comply with the standards of this Code, as such standards may have been modified in the existing PUD Comprehensive Plan, and so long as the amendment is consistent with the existing PUD Comprehensive Plan. Otherwise, the minor amendment must be referred to the original decision maker for decision.

- (4) **Major Amendment.** If a major amendment is required per below Subsection (G), changes are reviewed through a major amendment application prior to other applicable permits and

DRAFT FOR DISCUSSION ONLY – SUBJECT TO FURTHER REVIEW AND REVISION

require site improvements to bring the site into full compliance with the standards of this Code as identified in below Subsection (H).

(B) Decision Maker Review and Decision; Determination of Appropriate Review for Changes Not Listed in Subsections (D) Through (G).

(1) Review and Decision. The decision maker may approve an amendment if the amendment complies with the criteria described in the applicable table, and the site as amended will not reduce the existing level of compliance with this Code. The decision maker may also approve an amendment if conditions can be imposed that, when satisfied, allow the amendment to comply with the criteria described in the applicable table and allow the site, as amended, to comply with this Code. If the amendment does not meet the criteria described in the applicable table or the site, as amended, will not comply with this Code, or both, and reasonable conditions of approval to ensure compliance are not available, the decision maker shall deny the proposed amendment.

(2) Changes Not Listed in Subsections (D) Through (G). The Director shall determine the appropriate review per this Section for changes not listed in Subsection (D) through (G) based on the similarity of the proposed unlisted change to other listed changes and the impacts of the change in the context of the neighborhood where the property to which the change would apply is located. The Director's decision is not subject to appeal.

(C) Additional Requirements. In addition to satisfying applicable Code requirements and unless specifically noted in 6.3.10(H), amendments and changes not requiring an amendment per (D)-(G) must satisfy all other applicable code and permit requirements including but not limited to building, fire, engineering, utility, and historic preservation. All demolition is subject to applicable historic review; construction waste and recycling requirements; demolition noticing; permitting; and proper disconnection of utilities.

(D) No Amendment. No amendment is required per this subsection for the following changes:

NO AMENDMENT
Exterior Changes
Any change to existing facade.
Any increase or decrease to windows or doors.
Replacement of mechanical equipment similar in size and location.
Upgrade existing light fixtures to compliant fixtures.
Required changes to meet building code accessibility requirements.
Reduction of 50% or less of building foot print and replacing with landscaping.

DRAFT FOR DISCUSSION ONLY – SUBJECT TO FURTHER REVIEW AND REVISION

Up to 100% demolition of existing building with no changes to landscaping.
Up to 25% change of landscaping materials, square footage, or changes to compliant species, none of which are located in the public right of way.
Adding EV chargers, EV capable, or EV ready equipment in existing parking spaces meeting utility separation requirements.
Interior Changes
Any change to floor plan.
Change to a use in full or portion of the structures on the site within the same Use Table permitted in the zone district.
Reestablish the last approved use if it has been abandoned for less than two years and is still permitted in the zone district.

(E) **Micro Amendment or Parkway Landscape Amendment** is required for the following changes:

Micro and Parkway Landscape Amendment
Exterior Changes:
Reduction greater than 50% of building footprint with landscaping changes.
Decrease in parking spaces and/or paved area.
Greater than 25% change of landscaping materials, square footage, or changes to compliant species, none of which are located in the public right of way.
Any change of landscaping materials, square footage, or changes to compliant species in the public right of way only that does not meet the threshold for “no amendment” above.
Increase or decrease in height of building or structure 10 feet or less.
25% or less increase of vehicle parking spaces.
Additional mechanical equipment.
Any increase in exterior lighting.
Interior Changes:
Increase of 5% or less in residential dwelling units.
Revisions to utility plans with no changes to site or landscape plans.

(F) **Minor Amendment** is required for the following changes:

Minor Amendment
Exterior Changes:
Addition of up to 50% increase of the total building footprint(s) on site.
Increase in height by greater than 10 feet and less than 30 feet.
Tree removal of 6" caliper or greater.
Increase lot size up to 50%.
Increase greater than 25% and less than 50% of the number of vehicle parking spaces.
Interior Changes:
Change from 0 to 4 existing dwelling units up to maximum of 5 total dwelling units on the site.
Increase greater than 5% and less than 15% of dwelling units.
Change of use to a different Use Table permitted in the applicable Zone District. (e.g., Residential Use Table to the Commercial/Retail Use Table)
Reestablish the last approved use if it has been vacated for more than two and less than five years and is still permitted in the zone district.

(G) **Major Amendment** is required for the following changes:

Major Amendment
Exterior Changes:
Addition greater than 50% of the total building footprints on site.
Increase greater than 50% of the current lot size.
Increase in height by 30 feet or greater.
Increase of greater than 50% of vehicle parking spaces.
Interior Changes:
Addition of Permitted Use

- (1) Major Amendments shall be processed as required for the land use or uses proposed for the amendment as set forth in Article 4 (i.e., BDR, Type 1 review, or Type 2 review) for the zone district in which the land is located for both plans approved under this Code or prior law. Any major amendments to an approved project development plan or site specific development plan shall be recorded as an amendment in accordance with the procedures established for the filing

DRAFT FOR DISCUSSION ONLY – SUBJECT TO FURTHER REVIEW AND REVISION

and recording of such initially approved plan. City Council approval of a major amendment to a PUD Comprehensive Plan shall be by ordinance.

- (2) Any partial or total abandonment of a development plan or site specific development plan approved under this Code, or of any plan approved under the laws of the City for the development prior to the adoption of this Code, is a major amendment, and shall be processed as a Type 2 review. However, if a new land use is proposed for the property subject to the abandonment, then the abandonment and new use shall be processed as required for the land use or uses proposed as set forth in Article 4 (i.e., BDR, Type 1 review or Type 2 review) for the zone district in which the land is located. The criteria established in Subsection 6.2.4(C) shall additionally apply.
- (3) If a new land use is proposed for land, it shall be processed as required for the land use or uses proposed as set forth in Article 4 (i.e., BDR, Type 1 review or Type 2 review) for the zone district in which the land is located.

- (H) **Site Improvements.** Site improvements include physical changes to land or buildings, dedication of land or easements, and updates to legal descriptions, all as required per applicable provisions of the Land Use Code.

All amendments and changes not requiring an amendment are required to remain at the current level of compliance with the Code or increase the level of compliance with the Code. In connection with above Subsections (D) through (F), the following site improvements are required:

Site Improvements				
	No Amendment	Micro & Parkway Amendment	Minor Amendment	Major Amendment
Plat or replat when no plat exists, current legal description is metes and bounds, or expanding beyond the original boundary of the development			Applicable	Applicable
Right of way or easement dedication			Applicable	Applicable
Stormwater infrastructure and treatment			Applicable	Applicable
Landscaping			Applicable	Applicable
Street trees		Applicable	Applicable	Applicable
Lighting			Applicable	Applicable
Trash enclosure			Applicable	Applicable

DRAFT FOR DISCUSSION ONLY – SUBJECT TO FURTHER REVIEW AND REVISION

Bicycle spaces		Applicable	Applicable	Applicable
Vehicle parking spaces			Applicable	Applicable
Connecting walkway		Applicable	Applicable	Applicable
All other site improvements unless the Director determines otherwise*				Applicable

*For site improvements not included in this list, the Director may determine if such additional unlisted site improvements have a reasonable nexus to the proposed change to require such additional improvements. Notwithstanding the foregoing per the Building Code and Fire Code, certain changes may require a building permit, right of way permit, and historic preservation.

- (I) **Referral.** For minor amendments, the Director may refer the minor amendment to the Planning and Zoning Commission for a decision, or to City Council in the case of a minor amendment of a City Council approved PUD Comprehensive Plan. If so referred, the decision maker's decision shall constitute a final decision, subject only to appeal as provided for development plans under Divisions 6.2.3 (B), (C), (D), (E), and (G) as applicable, for the minor amendment. City Council approval of a minor amendment to a PUD Comprehensive Plan shall be by ordinance.
- (J) **Appeals.** Appeals of decisions of approval, approval with conditions, or denial shall only apply to minor amendments and major amendments and shall be filed and processed in accordance with Section 6.3.12 (Step 12). Micro amendments and parkway landscape amendments are not subject to appeal.
- (K) **Notification.** Written notice must be mailed to the owners of record of all real property abutting the property that is the subject of the minor amendment application at least fourteen (14) calendar days prior to the Director's decision. Major amendments shall follow notification requirements in section 6.3.6 (Step 6).